

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR TAYLOR,

Plaintiff,

v.

TIMOTHY M. FRAWLEY, et al.,

Defendants.

No. 2:24-cv-1675 CSK P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. In the complaint, plaintiff appears to raise claims challenging the validity of his conviction. As relief, plaintiff requests that he be sentenced to the 20 years that was “the deal.” (ECF No. 1 at 24.)

A claim that challenges the fact or duration of a prisoner’s confinement should be addressed by filing a habeas corpus petition, while a claim that challenges the conditions of confinement should be addressed by filing a civil rights action. See Wolff v. McDonnell, 418 U.S. 539, 554 (1974). Because plaintiff appears to challenge the validity of his conviction, this Court construes this action as a habeas corpus petition. The complaint is dismissed and plaintiff is granted thirty days to file a habeas corpus petition.

Plaintiff filed an application to proceed in forma pauperis, but it is incomplete.

Accordingly, plaintiff is granted thirty days to file a complete application to proceed in forma

1 pauperis or pay the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a).

2 In accordance with the above, IT IS HEREBY ORDERED that:

- 3 1. This action is construed as a habeas corpus petition;
- 4 2. The complaint is dismissed with thirty days to file a habeas corpus petition;
- 5 3. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in  
support of his request to proceed in forma pauperis on the form provided by the Clerk  
of Court, or the required fee of \$5.00;
- 6 4. The Clerk of the Court is directed to send plaintiff a form for a habeas corpus petition  
and an Application to Proceed In Forma Pauperis By a Prisoner; and
- 7 5. Failure to comply with this order will result in a recommendation of dismissal of this  
action.

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13 Dated: June 17, 2024

14   
15 CHI SOO KIM  
16 UNITED STATES MAGISTRATE JUDGE

17 tayl1675.3a(CDCR)

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